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REMARKS

Upon entry of this Response, claims 1, 3-7, 9-13, 15-17, and 19-22 remain pending in the present Patent Application. Claims 1, 5, 7, 11, 13, 16, and 17 have been amended, claims 19-22 have been added, and claims 2, 8, 14, and 18 have been canceled. Applicant requests reconsideration of the pending claims in view of the following remarks.

In item 6 of the Office Action, claims 1-3, 7-9, 13-15, and 17-18 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication 2002/0049790 A1 filed by Ricker et al. (hereafter "Ricker"). Anticipation under §102 "requires the disclosure in a single prior art reference of each element of the claim under construction. W.L. Gore & Associates, Inc. v. Garlock, Inc., 220 USPQ 303, 313 (Fed. Cir. 1983). Applicant notes that claims 2, 8, 14, and 18 have been canceled herein, thereby rendering this grounds of rejection moot with respect to such claims. Applicant asserts that Ricker fails to show or suggest each of the elements of claims 1, 7, 13, and 17 as amended herein. Also, Applicant asserts that Ricker fails to show or suggest each of the elements of claims 3, 9, and 15 as depending from claims 1, 7, and 13, respectively. Accordingly, Applicant requests that the rejection of claims 1, 3, 7, 9, 13, 15, and 17 be withdrawn.

To begin, claim 1 has been amended herein to recite as follows:

1. A method to format a content item, comprising:
converting the content item embodied in a text file into an indiscriminate markup file in at least one processor based system, the indiscriminate markup file nesting each one of a plurality of lines of the text file between a corresponding pair of indiscriminate tags, wherein each pair of indiscriminate tags bears no relation to a nature of the line of text of the text file nested therebetween; and
transforming the content item embodied in the indiscriminate markup file into a discriminate markup file in the at least one processor based system, the discriminate markup file including a number of discriminating tags that are associated with a number of content elements.

With respect to claim 1 as originally filed, the Office Action states:

"Regarding independent claim 1, Ricker discloses the transformation of an EDI formatted document – *text file* – into XML formatted document, where XML – *indiscriminate language* – which defined other languages in system for processing data – *a processor based system*. The XML document is then transformed into an HTML document – *discriminate markup file*, which describes

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a language specific format – by the system for display on the web (0043-0046,0048-0058). The HTML document being a markup language, which consists of syntactically delimited – *discriminating tags* – data with elements to represent the data (0031).

In the cited excerpt above, the Office Action assumes that the "EDI formatted document" is interpreted to be the claimed "text file" that is transferred into an "XML formatted document" that is interpreted to be the "indiscriminate markup file" as set forth in claim 1. To begin, Applicant notes that the "EDI formatted document" is not a text file that relays a content item recognizable to a human being, but the EDI file is a file format employed for electronic commerce. For example, as set forth in paragraph [0005], Ricker states:

"However, EDI is too complicated and expensive for many midsize companies. Specifically, when EDI was created, the size of messages, i.e. documents, was a primary concern because the technology only permitted very low data transfer rates. Accordingly, EDI message are very compressed and use codes to represent complex values. **Metadata, i.e. data describing data, is stripped from an EDI message to minimize the message size. The metadata is correlated to the codes in separate documents known as an EDI data dictionary.** However, this makes the message difficult for humans to read and debug. The complexity of EDI requires that programmers have a great deal of training, which in turn makes EDI applications expensive to but and maintain. As a result, EDI has not be universally adopted and has not fundamentally changed the way business is conducted. However, where implemented, EDI eliminates manual processes by allowing the internal applications of different companies to exchange information directly." (Emphasis Added)

In converting an EDI formatted document into an XML document Ricker describes how the various information embodied in the EDI formatted document is expressed as an XML formatted document, where the meta-language of the XML file is employed to describe the nature of the data included therein. Specifically, in paragraph [0056], Ricker states:

"Data values are placed between start and end tags that describe the data value. Attributes may appear within start tags and can be used to further define the meaning of the data embedded within the tags. For example, the portion of an XML document listed below includes an XML element having a descriptive start and end tags called "name" and having a value of "John." An attribute named "type" is included to help further define the context of the "name" tag (since "name" does not necessarily have to refer to the name of a person).

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Note that the example listed below does not have an information model associated with it." (Emphasis Added)

Claim 1 has been amended herein to indicate that the indiscriminate markup file that embodies the content item from the text file includes the nesting of each one of the lines of the text file between a corresponding pair of indiscriminate tags. In addition, claim 1 has been amended to include the fact that each pair of indiscriminate tags bears no relation to the nature of the text in each line nested therebetween. Contrastingly, the XML file described by Ricker is a typical XML file in which the tags or metadata included in the tags relates directly to the nested data.

Accordingly, Applicant asserts that Ricker fails to show or suggest each of the elements of claim 1 as amended. In addition, to the extent that claim 7, 13, and 17 as amended incorporate elements similar in scope with those of amended claim 1, Applicant asserts that Ricker fails to show or suggest each of the elements of these claims as well. Therefore, Applicant requests that the rejection of claims 1, 7, 13, and 17 be withdrawn. In addition, Applicant requests that the rejection of claims 3, 9, and 15 be withdrawn as depending from claims 1, 7, and 13, respectively.

In addition, in item 8 of the Office Action, claims 4 and 10 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Ricker and further in view of the article entitled "Laura Lemay's Web Worskhop Creating Commercial Web Pages" written by Lemay et al. (hereafter, "Lemay"). Applicant notes that claim 4 depends from claim 3, and that claim 10 depends from claim 9. Applicant requests that the rejection of claims 4 and 10 be withdrawn for the same reasons described above with respect to claims 3 and 9.

In addition, claim 4 recites as follows:

4. The method of claim 3, wherein the step of providing a discrimination stylesheet that includes a set of discrimination instructions to transform the indiscriminate markup file into the discriminate markup file further comprises providing the set of discrimination instructions to write each of the number of content elements in the indiscriminate markup file into the discriminate markup file with a pair of associated discriminating tags.

Applicant asserts that the cited combination of Ricker and Lemay fails to show or suggest a discrimination style sheet that includes a set of discrimination instructions that transforms the indiscriminate markup file into the discriminate markup file. Also, Applicant asserts that the cited combination of references fails to

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show or suggest the discrimination instructions to write each of the content elements in the indiscriminate markup file into the discriminate markup file with a pair of associated discriminating tags. In particular, given that Ricker fails to show or suggest the creation of the indiscriminate markup file as described above, then there cannot be any discrimination style sheet with the discrimination instructions as described with reference to claim 4. The same argument applies to claim 10 to the extent that claim 10 incorporates subject matter similar in scope with that of claim 4 above. Accordingly, Applicant requests that the rejection of claims 4 and 10 be withdrawn for these additional reasons.

Finally, in item 9 of the Office Action, claims 5-6, 11-12 and 16 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the elements of the base claim and any intervening claims. Claims 5, 11, and 16 have been amended so as to appear in independent form incorporating all elements of any base claim and any intervening claims. Applicant notes that claims 6 and 12 depend from claims 5 and 11, respectively. Accordingly, Applicant requests that the objection to claims 5-6, 11-12, and 16 be withdrawn.

CONCLUSION

Applicant respectfully requests that all outstanding objections and rejections be withdrawn and that this application and all presently pending claims be allowed to issue. If the Examiner has any questions or comments regarding Applicant's response, the Examiner is encouraged to telephone Applicant's undersigned counsel.

Respectfully submitted,



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